

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

STEVEN G. MILLETT, )  
MELODY J. MILLETT, )  
On Behalf Of Themselves and )  
All Others Similarly Situated, )  
                               )  
                               )  
Plaintiffs, )  
                               )  
vs.                         )      Cause of Action No.: 04-2448-CM-GLR  
                               )  
                               )  
TRUELINK, INC., )  
                               )  
Defendant. )

**ORDER ON DEFENDANT'S MOTION TO TRANSFER**

Pursuant to the "Applicable Law" provision of the contract entered into between the named plaintiffs and defendant, Delaware law applies to all claims brought in connection with the parties contract, and venue and jurisdiction of any action stating such claims should be in the state and federal courts of New Castle County, Delaware. This Court has authority to transfer this action to the United States District Court for the District of Delaware pursuant to 28 U.S.C. § 1406(a) and 28 U.S.C. § 1404(a). The parties agree that it would be appropriate for this Court to transfer venue to the United States District Court for the District of Delaware pursuant to either of these statutory provisions. Dismissal is not necessary. "Transfer should be the usual course rather than dismissal." *U.S. v. Miller-Stauch Constr. Co., Inc.*, 904 F. Supp. 1209, 1214 (D. Kan. 1995) (citing 15 Charles A. Wright, Arthur R. Miller & Edward H. Cooper, *Federal Practice and Procedure* § 3827 at 274 (1986)).

Therefore, this matter is ordered transferred to the United States District Court for the District of Delaware. Plaintiffs' counsel shall have 90 days from the date of this Order to obtain local counsel.

s/ Carlos Murguia

Carlos Murguia

U.S. District Judge

Dated: August 9, 2005

DRAFT ORDER SUBMITTED BY:

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